



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
WASHINGTON, D.C. 20314-1000

REPLY TO  
ATTENTION OF:

CECW-PD

30 JUN 2003

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: National Security Considerations in the Planning, Design, Construction, and Operation and Maintenance of Harbor and Inland Harbor Projects

Enclosed is a draft letter providing guidance on the subject policy. The letter is provided for interim guidance and for review and comment. Comments should be provided, attention CECW-PD, by 1 September 2003.

FOR THE COMMANDER:

Encl  
National Security Ltr.

WILLIAM R. DAWSON  
Chief Planning and Policy Division  
Directorate of Civil Works

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SUBJECT: National Security Considerations in the Planning, Design, Construction, and Operation and Maintenance of Harbor and Inland Harbor Projects

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**DRAFT**

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1. Purpose. The need for enhanced security at the nation's ports has raised the issue of what policies should govern the planning, design, construction, and operation and maintenance of features and facilities to enhance security at proposed and existing Federal navigation (harbor and inland harbor) projects. This letter provides guidance on incorporating national security features in Federal harbor and inland harbor projects. This guidance is not applicable to the inland waterways subject to the waterway user fuel tax under PL 95-502, as amended.

2. General Policies.

a. Features and Facilities. At issue are features and facilities related to enhanced port security that are modifications, additions, or closely related to general navigation features. Potential features and facilities include, but are not limited to: New, expanded or deepened anchorages to facilitate the inspection of vessels; widened and/or relocated channels to reduce the potential damages of terrorism actions involving vessels; and fences or other protective security measures for Federal breakwaters and jetties. There would be no U.S. Army Corps of Engineers Civil Works program participation in security features and facilities related to berthing and mooring areas and landside terminals recognizing that Federal assistance for these security concerns may be available from other Federal programs.

b. Evaluation. Security would not be considered a project purpose but a criterion like safety or design criteria and standards. The security measures would be considered to be required for the formulation in both the with-project and without-project condition. The Corps currently plans and designs navigation projects for operational safety. Under this policy operational security would become an additional critical criteria for the planning, design, construction, and operation and maintenance of harbor projects. Specific features and facilities for security would be formulated in coordination with the U.S Coast Guard and non-Federal sponsors. Alternative measures to meet security requirements would be formulated and evaluated to identify the most cost effective measures. The most cost effective measure may involve designation of an offshore area in calm waters as an inspection area. Benefits for security facilities and features will

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also be quantified to the extent possible by comparing the conditions with and without the identified measure including such measures as anchorages and/or a widened relocated channel. For example, the without project condition may be that vessels would be inspected within the Federal entrance channel before entering a port potentially creating delays for other navigation which could be alleviated by construction of an anchorage area. In this case, the benefits of the anchorage would be a reduction in traffic delays. While benefits will be identified and quantified to the extent possible, security will be considered an absolute criterion and appropriate cost effective measures will be included in navigation project without regard to any incremental economic justification.

c. Cost Sharing for New Navigation Projects or Project Modifications. Features and facilities for security will be shared as General Navigation Features (GNF) under Section 101 of the Water Resources Development Act (WRDA) 86, as amended. The operation and maintenance costs of security features and facilities will be shared as GNF operation and maintenance costs. That is, for projects with depths of 45 feet or less, the security features and facilities operation and maintenance costs will be 100 percent Federal. For projects with depths in excess of 45 feet the costs of operation and maintenance of the security features and facilities will be 100 percent Federal up to the level of such costs which would be incurred for a security feature or facility for a project which had a depth of 45 feet and 50 percent Federal and 50 percent non-Federal for incremental costs of security features over the costs that would be incurred for a 45 foot project.

d. Cost Sharing for Existing Federal Navigation Project. The addition of features and facilities for security to an existing Federal navigation project will be shared as operation and maintenance. That is, for projects with depths of 45 feet or less, the security features and facilities operation and maintenance costs will be 100 percent Federal. For projects with depths in excess of 45 feet the costs of operation and maintenance of the security features and facilities will be 100 percent Federal up to the level of such costs which would be incurred for a security feature or facility for a project which had a depth of 45 feet and 50 percent Federal and 50 percent non-Federal for incremental costs of security features over the costs that would be incurred for a 45 foot project.

### 3. Development, Approval and Funding of Security Features and Facilities.

a. New Navigation Projects or Modifications. The planning, formulation, engineering, design, funding and construction of security features and facilities for new and modified navigation projects will be accomplished as an integral part of the navigation project development process. Navigation projects and project modifications formulated in feasibility studies and recommended in feasibility reports will include appropriate cost effective security features and facilities.

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b. Existing Navigation Projects. Appropriate and cost effective security features and facilities will be included in existing navigation projects, as needed. Identification of appropriate and cost effective features and facilities will be identified through coordination with the U.S. Coast Guard and non-Federal sponsors. Proposals will be coordinated with HQUSACE, attention CECW-OD, for identification of the appropriate implementation framework. Depending on the scope and potential costs of the measures, implementation may be through the operation and maintenance program or through a project modification and Construction, General funding.

FOR THE COMMANDER:

ROBERT H. GRIFFIN  
Major General, USA  
Acting Director of Civil Works

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